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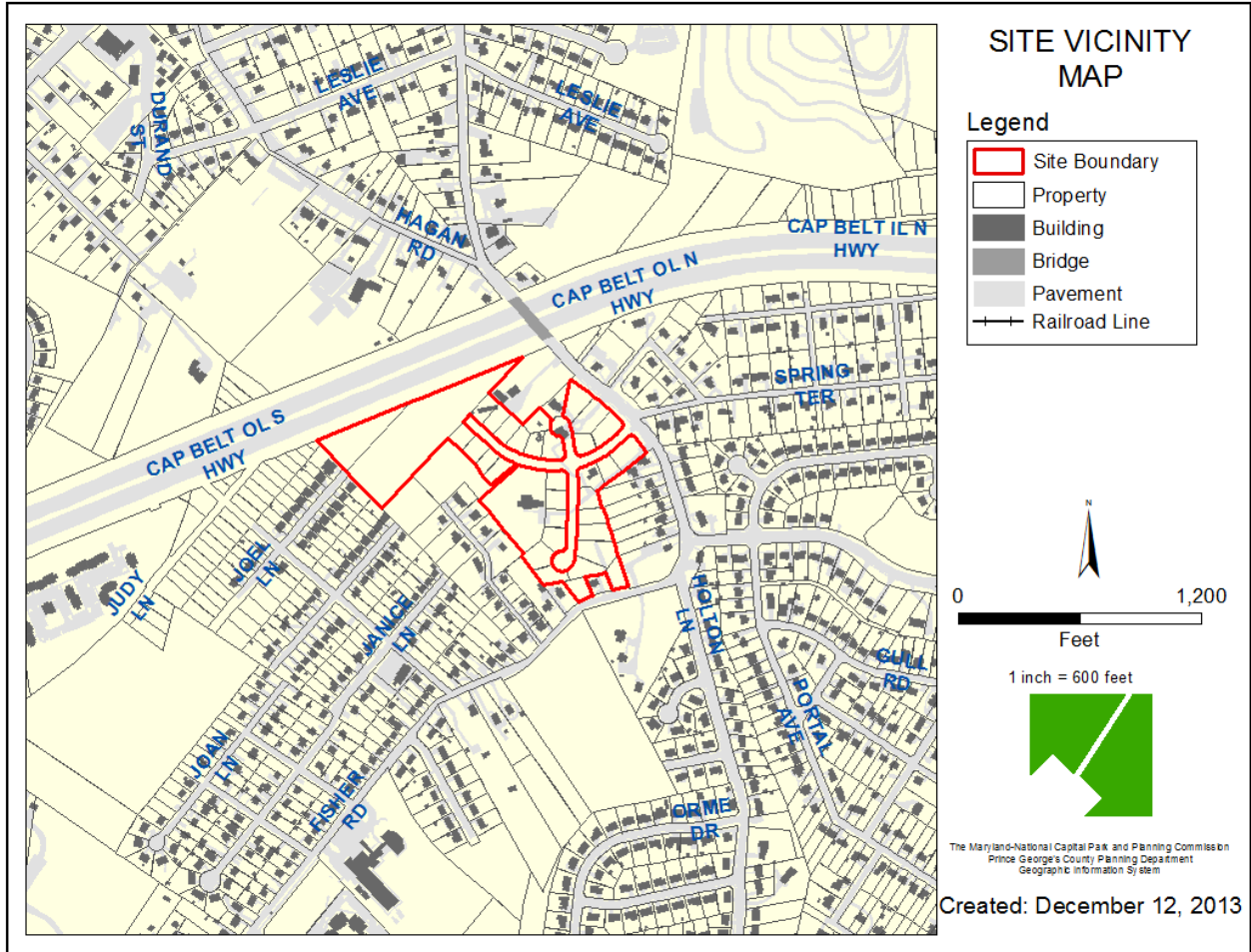
## Special Exception

## SE-4739

Application	General Data	
<b>Project Name:</b> Henson Creek Retirement Community  <b>Location:</b> On the west side of Temple Hill Road, approximately 200 feet south of the Capital Beltway (I-95/495).  <b>Applicant/Address:</b> Henson Creek House, LLC 5075 Temple Hill Road Temple Hills, MD 20748  <b>Property Owner:</b> Henson Creek House, LLC and Rodney Orciani 3235 Dunbratton Court Waldorf, MD 20601	Planning Board Hearing Date:	05/08/14
	Staff Report Date:	04/24/14
	Date Accepted:	01/06/14
	Planning Board Action Limit:	N/A
	Plan Acreage:	16.38
	Zone:	R-80
	Gross Floor Area:	N/A
	Lots:	18
	Parcels:	1
	Planning Area:	76B
	Tier:	Developed
	Council District:	08
	Election District	12
	Municipality:	N/A
	200-Scale Base Map:	207SE03

Purpose of Application	Notice Dates	
Special exception for a planned retirement community with 80 spaces in four congregate living facilities, an adult day care center, and 52 independent living dwelling units in 26 duplex buildings.	Informational Mailing	06/18/13
	Acceptance Mailing:	12/19/13
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Tom Lockard <b>Phone Number:</b> 301-952-3410 <b>E-mail:</b> Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Jimi Jones, Supervisor, Zoning Review Section, Development Review Division

FROM: Tom Lockard, Planner Coordinator, Zoning Review Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4739  
Henson Creek Retirement Community**

REQUEST: **Special exception for a planned retirement community with 80 spaces in four  
congregate living facilities, an adult day care center, and 52 independent living  
dwelling units in 26 duplex buildings.**

RECOMMENDATION: **APPROVAL with conditions**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of May 8, 2014. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## FINDINGS

- A. **Location and Field Inspection:** The subject property is irregularly shaped and consists of a collection of 18 lots and one parcel totaling approximately 16.38 acres located on the west side of Temple Hill Road, south of the Capital Beltway (I-95/495). The property contains a large two-story brick and frame residence with a walk-out basement. At present, access is by means of an access easement from Temple Hill Road containing a 22-foot driveway. The site has been used since 2005 as a congregate living facility for eight persons, a permitted use in the (One-Family Detached Residential (R-80) Zone. The center of the site is partially cleared and maintained as a lawn. Some of the site is wooded; other portions have been recently cleared pursuant to a rough grading permit, 5276-2012-G. The site has frontage on Florist Way and Florist Place, two paper streets which bisect the property east-west and north-south, respectively. There are floodplains, streams, and wetlands found to occur on the site, for the most part in the southern and western portion of the property.
- B. **History:** The Prince George's County District Council approved Special Exception SE-4678 on April 26, 2011. As part of this approval, a portion of the subject property was approved for a congregate living facility for 20 elderly residents. The applicant has operated a congregate living facility, referred to as Henson Creek House, on the premises since 2005. In addition, the District Council also approved an adult day care center, in which the applicant also proposes to have a community center. The center will operate Monday through Friday during the hours of 7:00 a.m. to 5:00 p.m. and will host 60 participants and five staff members. The building itself is proposed to be 8,468 square feet in size and will offer daily transportation to and from the day care facility.

The applicant was also granted alternative compliance to Section 4.7 (Buffering Incompatible Uses) of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) along the eastern property line. The existing congregate care building does not meet the 30-foot-wide building setback, and the 20-foot-wide landscape yard is partially and temporarily occupied by the existing access drive and parking lot.

C. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-80	R-80
Use(s)	Congregate Living Facility (8)	Congregate Living Facility (80) Adult Day Care Center (60) Single-Family Attached (52)
Acreage	16.38 acres	16.38 acres
Lots	18	18
Parcels	1	1

- D. **Master Plan Recommendation:** The 2002 *Prince George's County Approved General Plan* (General Plan) placed the site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is consistent with the Development Pattern policies for the Developed Tier by encouraging appropriate infill development and strengthening existing neighborhoods.

The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA) recommends a residential low-density land use for the subject property. One of the strategies of the plan is to:

**Encourage institutionally based development proposals with a mix of uses that focus on the institutional mission that may include high-quality residential, limited commercial, or community-oriented uses to provide a public benefit, to enhance community character, and are designed for compatibility with the surrounding neighborhood. Institutionally based development proposed should adhere to the following guidelines:**

- **Development should include pedestrian linkages to nearby commercial, institutional, or cultural uses.**
- **Development should be of sufficient size to provide amenities, such as indoor parking or garages, gardens, plazas, recreation facilities, or common eating areas.**
- **Development should have direct access to a collector road or greater to allow easy access for emergency services.**
- **Development should be served by public transit or shuttle buses to shopping and services in the surrounding area.**
- **Prior to approval of new development for senior citizen housing, a market analysis should be conducted that evaluates and satisfactorily demonstrates the need for senior housing within one mile of a proposed site.** (Master Plan, page 22)

The applicant is proposing this type of housing and amenities as a companion to the adult day care center and congregate care facility approved by the District Council in SE-4678.

- E. **Request:** The applicant is requesting permission to establish a planned retirement community with a maximum of 26 duplex units, for a total of 52 dwelling units. These units will be independent living units, rented to senior citizens. In addition, there will be a total of four congregate living facilities, each with a maximum occupancy of 20 individuals. One of these will be the existing Henson Creek House. The 60-person adult day care center approved in SE-4678 is to be retained and relocated to the intersection of Florist Way and Florist Place. It will also contain a community center, courtyard with benches, bocce courts, and a community gardening plot. Access to the site will be via Florist Way from Temple Hill Road. The duplex villas will line both Florist Way and Florist Place, with the congregate living facilities and adult day care facility centrally-located around a courtyard and served by a circular driveway for clients arriving by vans operated by the applicant. Each of the villas will be 1,439 square feet in size and will include a one-car garage. Thus, the applicant is proposing three levels of care (independent living, day care, and congregate living) in the same community. A large stormwater management pond is proposed in the northwestern portion of the site, along the Capital Beltway (I-95/495).

- F. **Neighborhood and Surrounding Uses:** The neighborhood boundaries identified for this application are:

**North—** Capital Beltway (I-95/495)

**East—** Temple Hill Road

**South and West—** Brinkley Road

The neighborhood is residential in character and is predominantly developed with a mix of single-family detached dwellings and a few multifamily complexes. The subject property itself is located within a platted, but largely unbuilt, subdivision known as Chambers Estates, which comprises 35 lots. The uses surrounding the subject property are scattered single-family residences in the R-80 Zone, including the three developed lots in Chambers Estates, several houses on Temple Hill Road, and residences along Fisher Road and Fisher Drive.

- G. **Specific Special Exception Requirements:** Section 27-395, Planned Retirement Community, of the Zoning Ordinance states that a planned retirement community may be permitted, subject to the following criteria:

**(1) Findings for Approval**

**(A) The District Council shall find that:**

**(i) The proposed use will serve the needs of the retirement-aged community;**

**Comment:** In order to ascertain whether the applicant's proposal will serve the needs of the retirement-aged community, we must first recognize those needs and how they differ from those of the community at large. Naturally, the retirement-aged community has the need for basic necessities (housing, food, clothing, security). Many retirees wish to have a smaller lower maintenance dwelling in a secure suburban environment. The applicant is providing a variety of housing options ranging from duplex residences to congregate living units, recognizing the varied needs of different retirees. The development is to have a single secure point of entry from Temple Hill Road via Florist Way. Food and clothing are available within one and one-half miles north at Gordons Corner at the intersection of St. Barnabas Road (MD 414) and Branch Avenue (MD 5) and the nearby Iverson Mall. Less than two miles to the south, along Brinkley Road, are additional shopping opportunities at the Rosecroft Shopping Center.

In addition to the basic necessities, the retirement-aged community has additional needs: transportation, medical, recreational, and social. Transportation for this segment of the population is perhaps not as critical as for more elderly-oriented developments such as a medical-residential campus or apartments for the elderly. This planned retirement community is designed for active seniors, most of whom will retain their cars, at least at first. However, staff is concerned that there will be instances where residents are unable to gain access to transportation to meet their basic needs. It has been our experience that most of these trips are handled through an impromptu system of resident ride-sharing. That notwithstanding, staff would note that there are bus stops heading both north and south along

Temple Hill Road served by the H11, H12, and H13 bus routes. The county also provides limited on-call bus service to seniors, and the applicant apparently will have a fleet of vans picking up day care participants that may also be able to provide transportation.

Medical needs can be provided by the Fort Washington Hospital and its adjunct facilities; they are located eight miles to the southwest at the intersection of Indian Head Highway (MD 210) and Livingston Road. In addition, there are doctor's offices to the north in Marlow Heights and to the west in Oxon Hill.

Due to the site's location and through the provision of numerous amenities, as detailed later in this report, the applicant's proposal will meet the needs of the retirement-aged community.

**(ii) The proposed use will not adversely affect the character of the surrounding residential community; and**

**Comment:** The surrounding residential uses are limited to single-family residences. This proposal will not adversely affect them. The development will have access from Florist Way. By virtue of the age restriction, these units will have less of an impact on the surrounding area than would a conventional residential community, with no impact on public schools. The proposed uses will generate fewer total peak hour trips in both the AM and PM peak hours than would the currently approved 34-lot subdivision, congregate living facility, and adult day care.

**(iii) In the R-A Zone, there shall be a demonstrated need for the facility and an existing medical facility within the defined market area of the subject property.**

**Comment:** The site is in the R-80 Zone, thus there is no requirement to show need within a defined market area.

**(2) Site Plan.**

**(A) In addition to the requirements of Section 27-296(c), the site plan shall set forth the proposed traffic circulation patterns.**

**Comment:** The site plan shows this information. The major traffic circulation pattern within the development is along Florist Way and Florist Place. There is a circular driveway in front of the community center/adult day care to facilitate drop-offs.

**(3) Regulations.**

**(A) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception.**

**Comment:** Understandably, not all of the regulations applicable in the R-80 Zone are reflected on the special exception site plan. For example, the duplex units shown on the plan are not a permitted use in the zone; however, at 2,878 square feet with two one-car garages, they are compatible in size to the surrounding residences. The applicant is proposing development standards largely in keeping with the R-80 Zone, although they are not explicitly noted. The development standards used, where applicable, shall be noted on the site plan.

**(B) The subject property shall contain at least twelve (12) contiguous acres;**

**Comment:** The subject property is 16.38 acres in area.

**(C) The average number of dwelling units per acre shall not be more than eight (8) for the gross tract area; and**

**Comment:** The applicant is proposing a maximum of 129 dwelling units on 16.38 acres, or an average of about 7.87 units per gross acre.

**(D) In the R-A Zone, buildings shall not exceed three (3) stories.**

**Comment:** The site is in the R-80 Zone.

**(E) In the I-3 Zone the following shall apply:**

- (i) The gross tract area shall be a minimum of ninety (90) acres with at least twenty-five percent (25%) of its boundary adjoining residentially-zoned land or land used for residential purposes;**
- (ii) The property shall have at least one hundred fifty (150) feet of frontage on, and direct vehicular access to, a public street;**
- (iii) All buildings shall be set back a minimum of seventy-five (75) feet from all nonresidentially-zoned boundary lines or satisfy the requirements of the Landscape Manual, whichever is greater; and**
- (iv) The property shall be located within two (2) miles of mass transit, regional shopping, and a hospital.**

**Comment:** The site is in the R-80 Zone.

**(F) In the I-3 and C-O Zones, townhouses shall comply with the design guidelines set forth in Section 27-274(a)(11) and the regulations for development set forth in Section 27-433(d).**

**Comment:** The site is in the R-80 Zone.

**(4) Uses.**

**(A) The planned retirement community shall include a community center or meeting area, and other recreational facilities which the District Council finds are appropriate. These recreational facilities shall only serve the**



**retirement community. The scope of the facilities shall reflect this fact. The Council may only permit a larger facility which serves more than the retirement community if the facility is harmoniously integrated with the retirement community and the surrounding neighborhood. All recreational facilities shall be constructed prior to, or concurrent with, the construction of the residential units, or in accordance with a schedule approved by the District Council;**

**Comment:** The applicant is proposing a community center in the same building as the adult day care center shown at the intersection of Florist Way and Florist Place. It is to contain a variety of recreational and social amenities in the interior meeting space. Past experience has shown that, at this point in the planning, it is difficult to say what the indoor activities will be, they will be decided upon according to the wishes of the residents. The development is to be served by sitting areas, community garden plots, and bocce courts. These recreational facilities will be constructed concurrent with the residential units. They are to serve only the residents and their guests.

**(B) Retail commercial uses, medical uses, health care facilities, and other uses which are related to the needs of the community may be permitted.**

**Comment:** These uses are not proposed.

**(5) Residents' Age.**

**(A) At least one (1) resident of each household shall be at least fifty (50) years old, unless the applicant can demonstrate that a lesser minimum age requirement should be approved. No permanent resident of the planned retirement community shall be under eighteen (18) years old. Covenants setting forth the minimum age of the residents shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the Special Exception have been amended.**

**Comment:** The applicant is aware of these requirements and agrees to abide by them.

**(6) Recreational Facilities.**

**(A) Covenants guaranteeing the perpetual maintenance of recreational facilities, and the community's right to use the facilities, shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. If the recreational facilities are to be part of a condominium development, a proposed condominium declaration showing the recreational facilities as general common elements shall be approved by the District Council, and shall be recorded (pursuant to Title II of the Real Property Article of the Annotated Code of Maryland) at the time the subdivision plat is recorded.**

**Comment:** The applicant is aware of these requirements and agrees to abide by them.

H. **Parking Regulations:** The parking requirements for the site break down as follows:

USE	SCHEDULE	PROPOSED
Single-family Attached Duplexes	2.04 per unit at 52 = 107	107
Congregate Living Facilities	1 per 4 residents at 80 = 20	41
Adult Day Care Center	1 per 3 occupants at 60 + 9 staff = 23	26
TOTAL	150 spaces	174 spaces

The site plan shows the applicant's intent to fully comply with the parking requirements for all uses on-site.

I. **Urban Design Issues:** Section 27-395 (Planned retirement community) of the Zoning Ordinance indicates that, "Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, dwelling unit types, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided in this Section." The applicant appears to have adopted the requirements of the R-80 Zone for the subject project. The Zoning Review Section may want to make the applicant aware of the added allowed for site design, though the R-80 standards utilized appear to work well for the proposed development. Section 27-328.02(a) of the Zoning Ordinance (Landscaping, buffering, and screening) requires that all landscaping required for a special exception comply with the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The special exception is subject to the following sections of the Landscape Manual:

**Section 4.1, Residential Requirements**—The schedule provided for Section 4.1 on Sheet 6 of the plan set correctly indicates that the planting requirement for the 52 proposed duplexes is 78 shade trees and 52 ornamental or evergreen trees. This requirement is met by the provision of 78 shade trees, 10 ornamental trees, and 42 evergreen trees.

**Section 4.3, Parking Lot Requirements**—Section 4.3 applies to the parking lot adjacent to the bocce ball court, as it appears to measure more than 7,000 square feet. It is suggested that the applicant provide a planting schedule demonstrating compliance with this section.

**Section 4.4, Screening Requirements**—The application is subject to this section as it requires a building or grading permit. Section 4.4 requires all loading areas, dumpsters, trash pads, trash collection or storage areas, and all mechanical equipment and meters be screened and provides screening options. The Urban Design Section suggests that the Zoning Section request the applicant to revise the plans to show the location of the above elements and provide screening as required.

**Section 4.6, Buffering Residential Development from Streets**—The applicant is not subject to this section; however, as a number of duplex units at the terminus of Florist Way are proximate to the Capital Beltway (I-95/495), the Urban Design Section suggests that the Zoning Section consider recommending a planted buffer to mitigate noise impacts on residential development and create more usable backyards.

**Section 4.7, Buffering Incompatible Uses**—The site was the subject of a previous alternative compliance approval, AC-10017. As Lot 17 is now incorporated into the larger planned retirement community, the approval is null and void. It is suggested that the landscape plan bufferyards on the current plan be labeled according to the provided schedule to determine compliance with this section.

**Section 4.9, Sustainable Landscaping Requirements**—The Urban Design Section suggests that the applicant be required to replace all invasive plant species on the plan with non-invasive species, revise the schedule and plant list accordingly, and add a note to the plan stating that all invasive species will be removed in accordance with the requirements of Section 1.5 of the Landscape Manual.

**Section 4.10, Street Trees along Private Streets**—The Urban Design Section suggests that the Zoning Section request the applicant to verify whether the internal streets are public or private. If the streets are private, the plan is subject to the planting requirements of this section and the applicant should provide a schedule demonstrating conformance with the requirements of Section 4.10.

#### **Tree Canopy Coverage**

The special exception is subject to the requirements of the Tree Canopy Coverage Ordinance because it will require a grading permit for more than 5,000 square feet of land disturbance. The total special exception area shown on the Type II tree conservation plan (TCPII) is 21.60 acres. The landscape plan shows the special exception area as 16.38 acres plus 5.67 acres for stormwater management, for a total of 22.05 acres. The stormwater management facility is shown within the boundaries of the special exception; therefore, its acreage should be included in the total acreage of the special exception. After the final acreage is verified, the tree canopy coverage (TCC) requirement should be recalculated and a determination made as to whether the project conforms to the 15 percent coverage required in the R-80 Zone.

- J. **Zone Standards:** The site plan need not meet the area requirements of the R-80 Zone pursuant to Section 27-395(3)(A) of the Zoning Ordinance.
- K. **Sign Regulations:** The site plan does not show any signs as part of an entrance feature. The signs would be noted for conceptual purposes only; however, all proposed signs must be shown on the site plan. The details must be reviewed for conformance with the location, height, and area requirements of the sign regulations, prior to issuance of permits.
- L. **Subdivision Issues:** The site is the subject of Preliminary Plan 4-88010 for 37 single-family dwellings. Preliminary Plan 4-88010 is for the W.W. Chambers property (Lots 1–37 and Parcel A), and was originally adopted by the Planning Board on June 2, 1988 (PGCPB Resolution No. 88-247). The resolution of approval contains seven conditions, and the following condition in **bold** relate to the review of this application:

**4. No direct access shall be allowed to lots abutting Temple Hill Road.**

**Comment:** The site plan should reflect denial of access to Temple Hill Road from abutting lots.

The subject property was recorded in Plat Book NLP 152-52 as Lots 1–4, 6–16, and 30–31, Plat One, Chambers Estates, recorded on April 19, 1990 and in Plat Book NLP 152-53 as Lots 18–20, 21–29, 33, and 35, Plat Two, Chambers Estates, recorded on April 19, 1990. The special exception site plan should reflect the boundary, bearings, and distances shown on the record plat. Both of the record plats contain five similar notes, and the following note in **bold** relate to the review of this application:

- 1. Approval of this plat is based upon a reasonable expectation that public water and sewer service will be available when needed and is conditioned on fulfilling all of the Washington Suburban Sanitary Commission Authorization No. 89-7965L commitments.**

**Comment:** The subject property is located within water and sewer Category 3, Community System.

There are a number of concerns which have arisen from the review of the special exception site plan. The plan shows on-street parking for Proposed Congregate Living Facility C within the Florist Way public right-of-way. Also, the bearings and distance for the project boundary shown on Sheet 4 include Florist Way and Florist Place, which are both dedicated public rights-of-way and are not subject to the special exception requirements. Per Section 27-116 of the Zoning Ordinance, no building, structure, or use shall be permitted in any existing public street right-of-way, unless expressly permitted in Subtitle 27. This special exception requires a use conversion from single-family residential to planned retirement community. Staff recommends that the proposed development should be reviewed by the Transportation Planning Section for adequate transportation facilities. The findings of this review may necessitate a new preliminary plan if the amount of development proposed with this special exception exceeds that which was approved by the Planning Board with the approval of 4-88010.

The two parts of Parcel 52 are legal acreage-parcels which were created by deed before January 1, 1982, pursuant to Section 24-107(c)(7) of the Subdivision Regulations. Unless a new preliminary plan is required for the proposed development, a note should be placed on the final plat for these parcels stating that development on the property shall be limited to 5,000 square feet of gross floor area. Both parcels abut the Capital Beltway (I-95/495). The site plan and final plat should reflect denial of access to I-95/495 from the abutting parcels. Additionally, subdivision of these parcels may present the opportunity for right-of-way dedication to Florist Way and Joel Lane for culs-de-sac. The necessity of right-of-way dedication for these streets should be reviewed and determined by the Transportation Planning Section if a new subdivision is deemed necessary.

The Transportation Planning Section, in their original referral dated March 31, 2014, found that a new preliminary plan would be required because the special exception as proposed would exceed the number of trips considered by the Planning Board in making a finding of adequacy for the underlying preliminary plan. Staff asked for additional justification of the recommendation because this was a departure from past policy regarding transportation adequacy findings for special exceptions (including the previous special exception approved for this site in 2011). Previously, and in keeping with the 2012 "Transportation Review Guidelines, Part 1" (Guidelines):

**Special exceptions are reviewed to ensure that the proposed use is compatible with surrounding uses and the general neighborhood. Many particular special exception uses must also conform to their own unique set of requirements listed by use in Part 4, Division 3, of Subtitle 27. Attention shall be given to these use-related requirements by applicants and staff alike in the justification for and review of a special exception.**

**The following general finding is required for special exception approval:**

*Section 27-317(a):*

*A Special Exception may be approved if:*

...

*(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;*

...

**TPS staff evaluates special exceptions for the new traffic impact of the proposed use versus the highest and best by-right use of the underlying zoning. Review is generally related to access but can extend beyond the driveway and the limits of the site where access options are limited. In cases where the new traffic impact would exceed 100 peak-hour trips, applicants are encouraged and may be requested to prepare a TIS as described in Section 3. This is done to ensure that applicants, the reviewing agencies, and the general public are aware of the traffic impacts of larger special exception applications and also to consider conditions that are necessary to protect surrounding properties or the general neighborhood. (Guidelines, page 30)**

No traffic counts or studies were required of the applicant since their proposal fell far short of the new traffic generation threshold of 100 trips.

The Transportation Planning Section provided additional clarification on April 21, 2014. In pertinent part, it explains:

Clarification is needed regarding the initial recommendation to require a new preliminary plan prior to the permitting of uses associated with this special exception in order to address transportation adequacy and other appropriate issues. The following points are noted:

1. The prior special exception, SE-4678, was wholly contained within Lot 17 of Chambers Estates, which received approval of Preliminary Plan 4-88010. As such, there was no focus on the overall subdivision and its status.
2. The current special exception encompasses the remaining undeveloped lots of Chambers Estates, and for that reason the review extended to the entire subdivision. The underlying lots were compared to the uses being proposed, and it was determined that there would be a violation of the adequacy finding made at the time of preliminary plan review.
3. On multiple occasions it was indicated that, unless there was a specific limitation in the resolution of approval for a preliminary plan, no trip or development cap could be imposed on a site. During recent years, however, it has been indicated that information in the findings of a resolution, along with backup staff memoranda, is sufficient to establish development limits for a given property.
4. In 1988, it was rare for the Transportation Section to recommend a cap of any sort, and it was not until 2013 that it became a standard practice to recommend a trip cap on a residential subdivision made up of fee-simple lots.

5. The statement in the March 31, 2014 memorandum regarding the adequacy of Temple Hill Road and Florist Way/Spring Terrace cannot be substantiated. There is no indication in the files, or by way of recent published counts, that this intersection has been studied recently. It is conceded that the plan, as proposed, poses no apparent safety issues and that the correct finding was made within the prior memorandum within the strict findings of health, safety, and welfare.

When the Transportation Section concedes that demonstration has been made that the proposed special exception is less traffic-intensive than the previous approval under Special Exception SE-4678, staff is working under a different policy today than it was when the previous special exception was reviewed in 2010. Staff is now encouraged to review the entire record when establishing that a proposed use is consistent with the adequacy findings of a preliminary plan. In 2010, reviews were done with the assumption that a development or trip cap had to be stated in the resolution of the preliminary plan in order to have a legal standing. In order to be consistent with current policy, a new preliminary plan to address the issues of transportation adequacy is needed. (Memorandum, Masog to Lockard dated April 21, 2014)

**Comment:** Staff understands the concerns voiced by both the Subdivision and Transportation Sections, but we are extremely reluctant to recommend a condition requiring a new preliminary plan in this case. Special exception uses are recognized and acknowledged as having additional impacts above and beyond those uses permitted by right: additional traffic, noise, odor etc. If these additional impacts jeopardize the health, safety, and welfare of the neighborhood, we can recommend reasonable conditions to mitigate the impacts or, if mitigation is not possible, deny the application. If the adequacy of transportation facilities is a concern, the issue should be dealt with in accordance with the Guidelines, which sets a threshold of 100 new trips before a traffic study is required. In the instant case, the number of total peak hour trips to be generated by this development is actually lower than that already approved for the site through the preliminary plan and the previous special exception. Given all of these factors, staff is not recommending the applicant be required to obtain a new preliminary plan.

- M. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

**(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

**Comment:** The proposed planned retirement community will protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county by providing the retirement-aged community with housing and recreational activities specifically designed to meet the needs of this ever-growing age group. This development has been designed for active couples and singles who desire to live a low-maintenance suburban lifestyle with an amenity-rich and secure environment. By providing a modern low-maintenance home convenient to shopping and medical facilities, the retirement-aged residents of Prince George's County will have an attractive incentive to stay near their friends and families in their retirement years.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

**Comment:** With the recommended conditions of approval, which include requirements for a limited detailed site plan approval prior to issuance of permits, the proposed use will conform to all regulations.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

**Comment:** The proposed use will not substantially impair the integrity of the Henson Creek-South Potomac Master Plan and SMA. The master plan presumes the compatibility of special exception uses in the zones in which they are permitted, absent specific findings to the contrary. The applicant is proposing to expand a senior-oriented residential use in a residential zone in accordance with the recommended land use and with the General Plan's vision for the Developed Tier.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

**Comment:** The referral replies received by staff indicate that the expansion of the existing use, commensurate with the need for these types of uses, will not adversely affect the health, safety, or welfare of residents in the area. The Transportation Section indicated that the proposal will generate 9 **fewer** AM and 3 **fewer** PM peak-hour trips, compared to what has been approved for the site, which will have a net positive impact upon the transportation system. The existing congregate living facility has been a compatible use in the community for some time and its continued expanded operation to include additional like uses will not adversely affect the health, safety, or welfare of residents or workers in the area.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

**Comment:** There will be no detriment to the surrounding area if this proposal is approved. The applicant is proposing a maximum density of 7.87 units per acre, under the eight permitted. The multistory congregate living units and adult day care/community center are centrally located, well set back from the adjoining properties. In fact, given the secluded nature of the site and the extensive natural buffers proposed, the entrance to the site is likely to be the most visible element from any other property.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

**Comment:** With the proposed revisions contained in the conditions of approval, the site plan will be in conformance with approved Type II Tree Conservation Plan TCPH-142-04.

- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

**Comment:** There are impacts to the on-site wetlands and wetland buffers proposed. Several of these impact areas will be restored to the fullest extent possible with plantings.

## CONCLUSION

Staff recommends APPROVAL of Special Exception Application No. SE-4739 for a maximum potential of 52 duplex dwelling units, 80 congregate living facility spaces, and a 60-person adult day care center as proposed by the applicant, subject to the following conditions:

1. The site and landscape plans are recommended for approval for conceptual purposes only, to generally represent the form and scale of the proposed planned retirement community. Prior to approval of the conceptual plan, the applicant shall amend the plans to show:
  - a. A table indicating the development standards for the development.
  - b. The discrepancy between the special exception note that indicates the existing congregate facility is three stories and the site plan that shows the existing facility as two stories shall be resolved.
  - c. The square footage of the required community/meeting area shall be distinguished from that of the adult day care area.
  - d. The Section 4.7, Buffering Incompatible Uses, schedule on the landscape plan shall be revised to indicate the use is “Congregate Living for over 8 persons,” not a “Nursing or Care Home.”
  - e. The note referred to in the Section 4.9, Sustainable Landscaping Requirements, schedule requiring the removal of invasive species shall be placed on the plans in accordance with Section 1.5 of the 2010 *Prince George’s County Landscape Manual*.
  - f. The acreage discrepancy between the Type II tree conservation plan and the landscape plan shall be resolved, and the stormwater management facility acreage included in the total special exception acreage, to ensure that the tree canopy coverage calculations are accurate.
  - g. Provide the bearings, distances, and lot/parcel sizes on the Site Exhibit on Sheet 3 for all of the existing lots and parcels, as shown on Plat NLP 152-52, Plat NLP 152-53, and as provided in the two deeds recorded in Liber 3484 at Folio 184 and Liber 1126 at Folio 170.
  - h. Include and label the two acreage parcels on the Site Exhibit on Sheet 3.
  - i. Label the denial of access to Temple Hill Road, except at the intersection with Florist Way, and to the Capital Beltway (I-95/495).
  - j. Correct the bearings and distances on southwestern property boundary of Lot 17 on Sheet 5.
  - k. Correct the western match line sheet reference on Sheet 5.
2. As part of future site plan approvals, the following site design considerations should be explored:
  - a. The proposed loading space does not appear to be in a functional location. Its location should be reconsidered.



- b. The applicant should clarify why sidewalks run from the rear to the front or side of some, but not all, of the duplexes.
  - c. The applicant should consider planting a buffer modeled on that which is required by Section 4.6 of the 2010 *Prince George's County Landscape Manual* between the duplex units located at the terminus of Florist Way and the Capital Beltway (I-95/495).
  - d. The applicant should clarify whether or not the streets are private. If they are, the applicant should provide a Section 4.10 schedule and demonstrate conformance to the 2010 *Prince George's County Landscape Manual* requirements.
  - e. Provide accessible sidewalk ramps on all four quadrants of the intersection of Florist Place and Florist Way, subject to modification by the Prince George's County Department of Public Works and Transportation (DPW&T). Striped crosswalks in conjunction with the accessible ramps would need to be located and approved by DPW&T.
  - f. Sidewalks exist on the north side of Temple Hill Road. A crosswalk location may be possible on Temple Hill Road at the intersection of Florist Way and Spring Terrace, but this should be determined by the Prince George's County Department of Public Works and Transportation (DPW&T) based on engineering and safety standards. An accessible sidewalk ramp to cross Temple Hill Road would need to be constructed on the subject property, subject to modification by DPW&T.
3. Prior to certification of the special exception site plan, the Type II tree conservation plan (TCPII) shall be revised as follows:
- a. Revise the TCPII to match the overall area of the special exception plan.
  - b. Revise the woodland conservation worksheet.
  - c. Revise the reforestation planting areas to the required acreage.
  - d. Have the revised plan signed and dated by the qualified professional preparing the plan.
4. Full cut-off optic light fixtures shall be used throughout this site to reduce light intrusion to off-site properties and environmentally-sensitive areas, and address best management practices for maintaining a dark sky.
5. The property shall be developed in distinct phases or sections. No building permits shall be issued prior to the applicant obtaining limited detailed site plan approval by the Prince George's County Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance for each related phase or section of development. These reviews shall include the following:
- a. Architectural details of proposed dwelling units, other buildings, passive and active outdoor recreational facilities, the pedestrian circulation system, and other permanent shared structures or facilities such as group mailbox stations.
  - b. Landscaping, buffering, and screening elements in accordance with the requirements of the 2010 *Prince George's County Landscape Manual*.

- c. The location and design of permanent signs and entrance features.
- d. A lighting plan for all common-use buildings and facilities, such as parking areas, which are likely to be used after daylight hours.
- e. Details of all required parking and loading facilities to demonstrate compliance with Part 11 of the Zoning Ordinance.
- f. Any other elements of this development deemed necessary for the determinations of general conformance with the approved conceptual plans and full compliance with all appropriate requirements and regulations of the Zoning Ordinance.